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*virtus gravitas*. In E (Erfurtensis), twelfth century, the gloss was inserted after *gravitas* instead of before, but the same subsequent change has occurred. A confirmation of the fact that *virtus* is a gloss is found in the reading of the second hand of V (Vossianus), thirteenth century, where *virtus* is not put into the text but occurs as a variant upon *gravitas*. Later, in MSS which had retained the original reading *gravitas*, as in H (Harleianus), eleventh century, the false reading *virtus gravis* was also inserted because found in other MSS and not for the same primary cause.

In § 37 of the *De senectute*, the reading of Br, *illa domos patrius disciplina*, is again indicative of the reading of the archetype of the other two members of its family, A and L. For the corruption *domos*, so easily formed from *domo*+*mos*, next gave way to *domus* as *domos* would not construe. Then, in order to avoid an apparently false agreement with *domus*, the *patrius* was changed to *patria* P<sup>2</sup> (according to Dahl), *patris* A<sup>2</sup>, or *patri* A<sup>1</sup> and L<sup>1</sup>, that it might agree with or be in some subjective relation to *disciplina*, the *et* necessarily disappearing for this purpose. We thus account for the reading of A<sup>1</sup>, *illa domus patri disciplina*, while the repetition of *domus* by L<sup>1</sup> is probably a blunder of its own scribe. The *et* was probably dropped from Br, as in the great majority of the other MSS, through the failure to observe the plural subject and a desire to construe *disciplina* as ablative. This may, however, have been the initial stage of the corruption in all three MSS. The reading of ER, *illa domo mos patrius et disciplina*, was thus undoubtedly the reading of the archetype of AL Br and, though not necessarily the correct reading, yet furnishes the best tradition in this disputed passage. I propose shortly to publish a complete collation of Br with an indication of its various affinities.

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### "JUSTICE IN THE AGE OF HOMER"

In his examination of the much-discussed trial-scene in Homer's *Iliad* xviii. 497-508, Professor Bonner ("Justice in the Age of Homer," *Classical Philology* VI, 24 ff.) rightly concludes, I think, that the two talents which lie before the judges are the stakes contributed by the litigants (one talent each), and are "to be paid over to the one of them who shall plead his case before the court most effectively"—that is, win the verdict (vs. 508). Professor Bonner has also not disregarded the earlier suggested parallelisms with procedure under primitive Roman law. But his concluding sentence (p. 30) is: "In effect the wager [i.e., the two talents in this specific case] corresponds to the damages which according to Homeric practice usually accompanied restitution and redress." That is, the beaten litigant is mulcted in penal damages to the amount of one talent, presum-

ably, we are to understand, in addition to whatever satisfaction may be required under the verdict regarding the claim which was the basis of the wager.

This conclusion prompts a further small remark based on the consideration of Roman procedure—for a single talent—the value of one cow—seems a small sum of damages. It has a formal sound. The procedure by wager and affirmation (*sacramentum*) appears to be Indo-European in origin, and certain of its quaint forms as well as its known history point to an early recognition of it in the Roman community. Therefore there is of course much force in the citation of apparent parallels between early Roman and early Greek procedure of this sort. In the Roman *actio per sacramentum*, the amount staked by the litigants was a formal sum, bearing no sufficiently commensurate relation to the actual value at issue (cf. the single *as* with which the steelyards were struck in *mancipatio*), and this whether the stakes were paid over to the successful litigant, or, as in some cases, diverted to sacred uses as costs of court. The stakes originally were perhaps of the real value at issue, but they early ceased to be so. Is it not probable that the Homeric trial-scene represents a similar stage of development in procedure, and that the single talent forfeited by the loser is symbolic rather than actually corresponding to an award of damages, exemplary or otherwise? With regard to the meaning of ἵστωρ also (*loc. cit.*, p. 27), Roman procedure may well be cited. The issue in procedure *per sacramentum* was joined before the praetor, by whom the adjudication was referred to a single *iudex* or *arbiter*, to a commission of *recuperatores*, or to the centumviral court. Is it not possible that the ἵστωρ corresponds to the praetor, the γέροντες to the judicial body?

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#### XOPOY IN TERENCE'S *HEAUTON*

Scholars have recently been engaged in a diligent search for new act-conclusions in Plautus, Terence, and the fragments of the *Néa*. One instance, which has hitherto escaped observation, occurs in the *Heauton* v. 170 and disposes of the only place in Terence where the stage was apparently left vacant in the middle of a scene. This new instance involves other consequences of considerable importance, as I hope to point out in the near future.

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